

I represent, as Managing Director, the General Contractors Association of New York, a trade association representing heavy construction contractors active in New York City. The proposed rules on fax communications with our members, all of whom are corporations freely joining the Association, will be a substantial burden and an unnecessary intrusion on our ability to communicate with our members. We do most of our communications with our members by e-mail, but there are still some who prefer fax communications. We prepare a weekly bulletin that does identify upcoming events and any costs associated with them, which would appear to require that we have a written consent on file if we continue to include such information. We would also appear to be restricted in sending fax followups to our mailings on our two major events, since there is a charge for each. We have a clearly established business relationship with each of our members and industry fund contributors, by their own choice. The seeking, obtaining and tracking of fax consent forms seems quite unnecessary in this regard. We are not trying in any way to sell them a product or an affinity relationship or anything that they will not find related to the reason that they joined the Association in the first place. Fax is just a communication tool for us, not even a method for selling a product!

I urge that you modify your rules to exempt business leagues and trade associations from the scope of coverage, in recognition that our relationships with our members is different in kind than other covered organizations.